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\* NOT ADMITTED IN D.C.

February 18, 1997

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

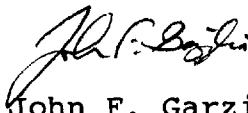
**Re: Amendment of Section 73.202(b) FM Table of  
Allotments (Martin, Tiptonville  
and Trenton, Tennessee)  
MM Docket No. 96-204; RM-8876; RM-9015**

Dear Mr. Caton:

Transmitted herewith on behalf of Thunderbolt Broadcasting Co., the licensee of WCMT-FM, Martin, Tennessee, is an original and four copies of its reply comments seeking the institution of a rule making proceeding to substitute Channel 267C3 for Channel 269A at Martin, Tennessee and to modify the license of WCMT-FM, Martin, Tennessee to specify Channel 267C3. These reply comments are respectfully directed to the Chief, Allocations Branch.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	MM Docket No. 96-204
Amendment of Section 73.202(b)	)	RM-8876
Table of Allotments	)	RM-9015
FM Broadcast Stations	)	
(Martin, Tiptonville	)	
and Trenton, Tennessee)	)	
To: Chief, Allocations Branch		

REPLY COMMENTS TO COUNTERPROPOSAL

Thunderbolt Broadcasting Company, by its attorneys,  
pursuant to Public Notice, Report No. 2175, released February  
3, 1997 hereby submits its counterproposal reply comments.<sup>1/</sup>  
The following is submitted:

1. Twin States Broadcasting, Inc. states in its December  
10, 1996 comments that Thunderbolt Broadcasting Company "has  
failed to show that its proposal would be permitted under the  
Commission's multiple ownership regulations". Twin States  
Broadcasting, Inc., however, fails to submit any showing  
whatsoever that Thunderbolt Broadcasting Company would not be  
able to be licensee of the facilities which it presently owns  
or for which it has expressed an interest.<sup>2/</sup>

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<sup>1/</sup> The public notice afforded 15 days for reply comments  
to be filed. Accordingly, these reply comments are timely  
filed.

<sup>2/</sup> In fact, it is noteworthy that in addition to making  
the unsupported, erroneous suggestion that Thunderbolt Broad-  
(continued...)

2. To satisfy the speculation of Twin States Broadcasting, Inc., Thunderbolt Broadcasting Company has commissioned a Technical Report prepared by Charles M. Anderson which is attached to these reply comments. In that Technical Report, it is demonstrated that the proposed Channel 247A allotment at Tiptonville, Tennessee does not have any same service facility overlap whatsoever with either the proposed WCMT-FM upgrade or any of the other radio broadcast facilities owned by Thunderbolt Broadcasting Company. Thus, under Section 73.3555 of the Commission's rules, there is absolutely no question that the ownership combination proposed by Thunderbolt Broadcasting Company is completely acceptable.

3. Accordingly, Channel 267C3 should be substituted for Channel 269A at Martin, Tennessee, and the operation of WCMT-FM should be modified to specify Channel 267C3; Channel 249C3 should be substituted for Channel 248C3 at Trenton, Tennessee, and the operation of WWEZ(FM) modified to specify operation on Channel 249C3; and Channel 247A should be allotted to Tiptonville, Tennessee as its first local transmission service.

4. As both first local service at Tiptonville and upgraded service for WCMT-FM at Martin may be obtained in this


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2/(...continued)  
casting Company would not be able to own the facilities for which it has expressed an interest, Twin States Broadcasting, Inc. manages in the entirety of its reply comments to not cite one Commission rule, or published case or policy, to support its various contentions. The reason is self-evident. There are no Commission rules or published decisions supporting the various positions espoused by Twin States Broadcasting, Inc.

proceeding, there is no need for any comparison between Tiptonville and Martin. Both requested allotments should be promptly made.

Respectfully submitted,

**THUNDERBOLT BROADCASTING COMPANY**

By:   
John F. Garziglia  
Its Attorney

Pepper & Corazzini, L.L.P.  
1776 K Street, N.W.  
Suite 200  
Washington, D.C. 20006  
(202) 296-0600

February 18, 1997

## **TECHNICAL REPORT**

This technical report and duopoly analysis has been developed in support of reply comments regarding its petition for rulemaking (RM 9015) and counterproposal in MM Docket No. 96-204. In that counterproposal, Thunderbolt proposed the substitution of channel 247A for 267C3 at Tiptonville, TN and expressed an interest in that allocation. A duopoly analysis has been conducted to determine the dimension of the market which will be formed by the proposed 267C3 upgrade for WCMT-FM at Martin and co-owned FM station WCDZ at Dresden, TN.

### **Tiptonville, TN 247A**

Exhibit E-1 provided herein demonstrates that the 70 dBu for the proposed 247A allocation at Tiptonville, TN (based on a uniform maximum 16 km 70 dBu) will not intersect the proposed WCMT-FM upgraded facility on 267C3 (based on a uniform, maximum C3 70 dBu of 23.2 km), the licensed 70 dBu for WCMT-FM on 269A, the licensed 5 mV/m for station WCMT(AM) on 1410 kHz, the licensed 70 dBu of WCDZ on 236A at Dresden, TN, or the WCDZ 236C3 upgrade application. Therefore, the potential ownership of a Tiptonville, TN FM station on 247A by Thunderbolt Broadcasting Company does not conflict in any way with the Commission's ownership rules.

### **WCMT-WCDZ Market Study**

A complete duopoly study for the market formed by the overlapping 70 dBu contours of the upgraded WCMT-FM facility on 267C3 (25 kw/100M), the WCMT(AM) 5 mV/m (1410 kHz .7 kw-D), and the licensed WCDZ 70 dBu (236A/6kw-100M) was conducted to further confirm that there are no ownership-duopoly issues impacting the proposed WCMT-FM upgrade.

Exhibit E-2 shows all stations whose sites lie within the market defined by the intersecting city grade contours of WCMT-WCMT-FM-WCDZ or whose own city grade contours intersect that market. Currently licensed or operating facilities for FM stations were utilized. Terrain data were obtained from the N.G.D.C. 30 second database and the contours determined by the V-Soft INTERDLG program which closely duplicates the Commission's Section 73.333 curves and which utilizes the Commission's data points. Note that only sites were plotted for stations whose transmitter sites lie within the market area. The resulting market includes at least fourteen (14) commercial stations:

1.	WCMT(AM)	1410 kHz .7 kw-D	Martin, TN
2.	WCMT-FM	267C3	Martin, TN
3.	WCDZ	236A	Dresden, TN
<hr/>			
4.	WKZT	1270 kHz 1kw-D	Fulton, KY
5.	WENK(AM)	1240 kHz (1 kw-U)	Union City, TN
6.	WYNU	222C	Milan, TN
7.	WXID	234C2	Mayfield, KY

8	WWEZ	248C3	Trenton, TN
9	WWKF	257A	Fulton, KY
10.	NEW-CP	271C3	Clinton, KY
11.	WBLN	279C1	Murray, KY
12.	WKWT	285A	Union City, TN
13.	WWUC	289A	Union City, TN
14.	WWYN	295C1	Mckenzie, TN

Therefore, the combined three station market formed by the 267C3 upgraded WCMT-FM facility, WCMT(AM), and WCDZ-FM represents only three(3) out of fourteen (14) stations in the market, and is clearly well within permissible ownership limits.

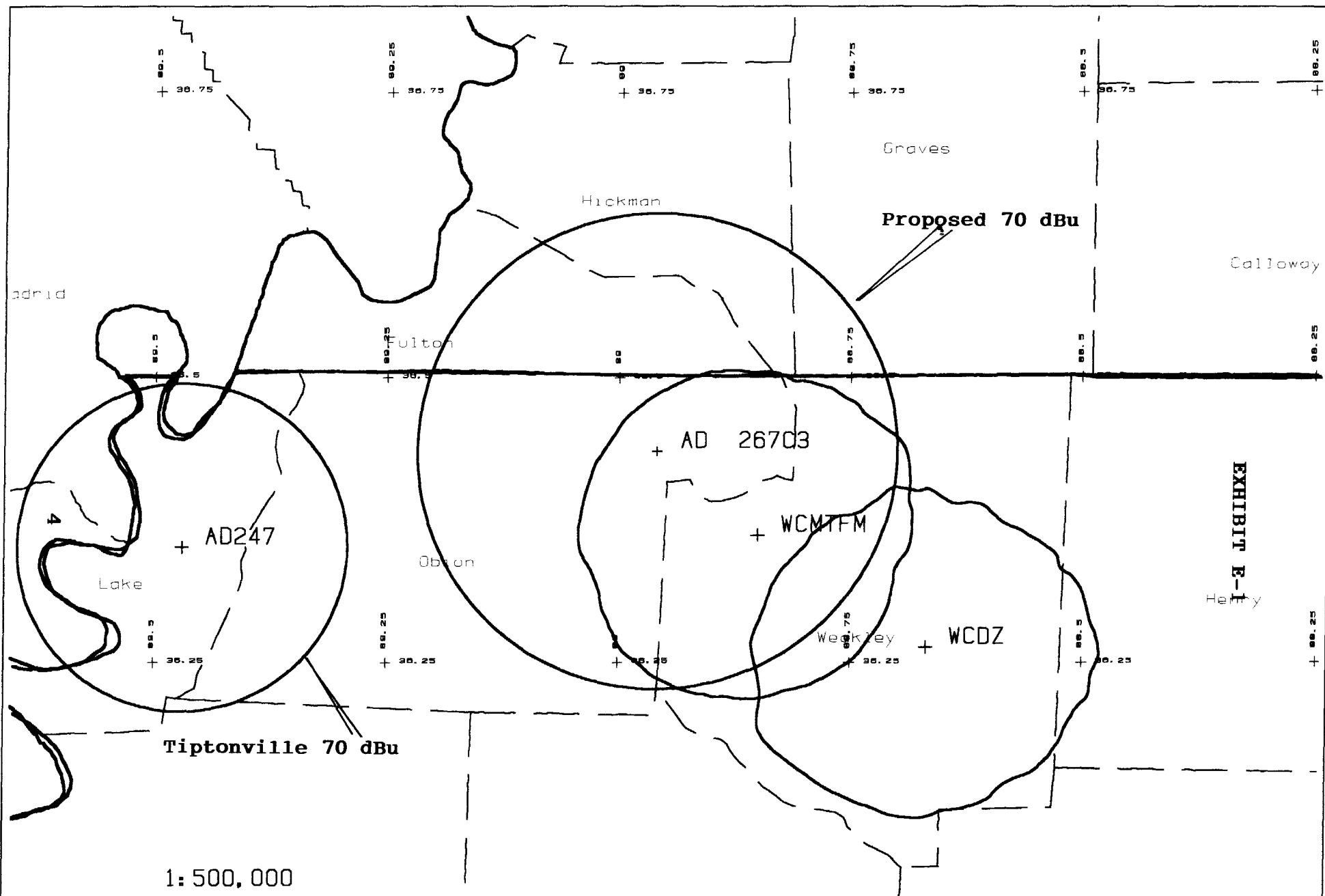
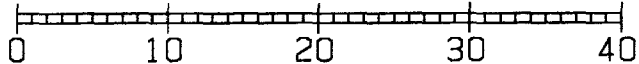


EXHIBIT E-1

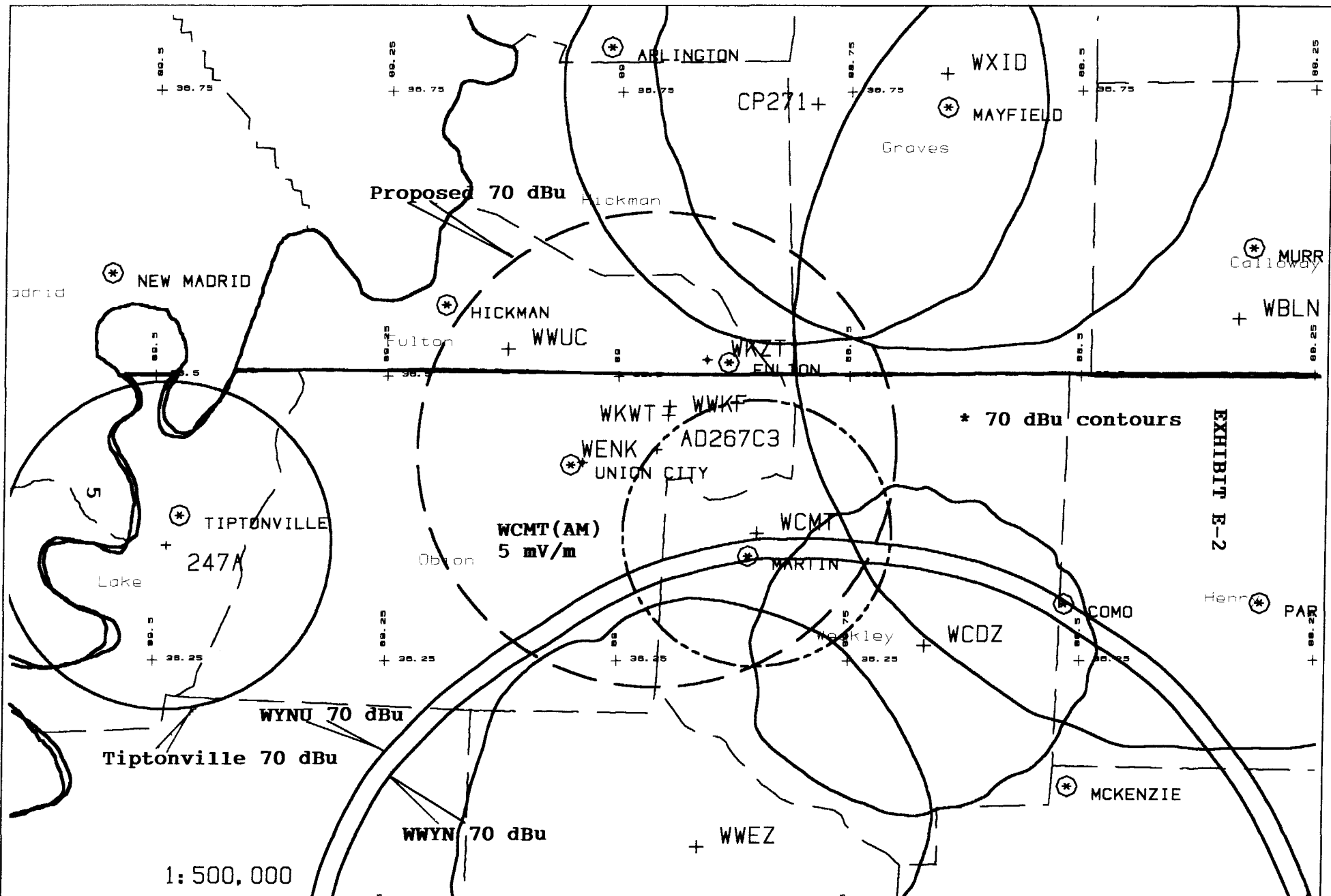
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Scale in km

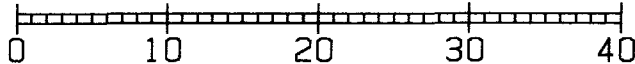


AD267	267C3	OkW	OM AMSL
N. Lat. 36 26 09	W. Lng. 88 57 30		

MARTIN BASE  
- 02/97



Scale in km



AD267 267C3 OkW OM AMSL  
N. Lat. 36 26 09 W. Lng. 88 57 30

MARTIN  
- 02/97


## **CERTIFICATION**

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University, and advanced degrees from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/   
Charles M. Anderson

February 15, 1997

Disclaimer: Charles M. Anderson assumes no liability for any errors or omissions in the information, exhibits and report provided herein; and, shall not be liable for any injuries or damages (including consequential) which might result from use of said information, exhibits and report. Filing of this report with the Federal Communications Commission constitutes acceptance in full of the terms and conditions stated above.

**Copyright (c) 1997, Charles M. Anderson.**

CERTIFICATE OF SERVICE

I, Tracey S. Westbrook, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that true copies of the foregoing "Reply Comments to Counterproposal" were sent this 18th day of February, 1997 by U.S. first class mail, postage prepaid, to the following:

\* Ms. Pam Blumenthal  
Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
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Brown Nietert & Kaufman, Chartered  
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(Counsel to Twin States Broadcasting, Inc.)

Philip R. Hochberg, Esquire  
Verner, Liipfert, Bernhard,  
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Washington, D.C. 20005-2301  
(Counsel to Terry Hailey)

Trenton Wireless Corp.  
P.O. Box 500  
Trenton, Tennessee 38382  
[Licensee of WWEZ(FM), Trenton, Tennessee]

  
Tracey S. Westbrook

\* via hand delivery